

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

RODNEY O. SCOTT,

Plaintiff,

v.

CIVIL ACTION NO. 2:17cv176

VIRGINIA PORT AUTHORITY, *et al.*,

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on defendants Hampton Roads Shipping Association's ("HRSA"), Virginia International Terminals, Inc.'s ("VIT"), Virginia Port Authority's ("VPA"), and Michael L. Brewer's ("Brewer") respective motions to dismiss. ECF Nos. 7, 12, 14. On May 10, 2017, these matters were referred to a United States Magistrate Judge for a report and recommendation. Defendants' motions to dismiss were referred pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. On April 25, 2017, Defendants' filed their respective motions to dismiss and accompanying memoranda. ECF Nos. 7, 12, 14. On May 11-12, 2017, Plaintiff filed memoranda in opposition to each of Defendants' motions. ECF Nos. 20-22. In Plaintiff's opposition memoranda, Plaintiff asked the court for leave to file an amended complaint. ECF No. 20 at 15.

On September 8, 2017, the Magistrate Judge filed his report recommending that Defendants' motions to dismiss be **DENIED** as **MOOT**. Simultaneously with this report and recommendation, the Magistrate Judge issued an order granting Plaintiff's request to amend Plaintiff's complaint, and gave Plaintiff until September 15, 2017, to do so. ECF No. 30. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed September 8, 2017. It is therefore **ORDERED** that Defendants' motions to dismiss be **DENIED** as **MOOT**.

The Clerk shall mail a copy of this final Order to counsel for all Parties.

IT IS SO ORDERED.

Norfolk, Virginia
October 6, 2017



Raymond A. Jackson
United States District Judge